

SEALED

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

v.

SANTIAGO PENA,

Defendant.

) Criminal No. 17cr10390  
)  
) VIOLATIONS:  
)  
) 21 U.S.C. § 846  
) (Conspiracy to Distribute and Possess  
) with Intent to Distribute 40 grams or  
) more of Fentanyl)  
)  
) 21 U.S.C. § 853  
) (Criminal Forfeiture)  
)  
)  
)  
)

INDICTMENT

COUNT ONE

21 U.S.C. § 846 – Conspiracy to Distribute and Possess with Intent  
to Distribute 40 grams or more of Fentanyl

The grand jury charges that:

From a date unknown, but not later than in or around June 2017, and continuing  
through August 2017, in Boston, on Cape Cod, and elsewhere in the District of  
Massachusetts,

**SANTIAGO PENA,**

defendant herein, did knowingly combine, conspire, confederate, and agree with others, known  
and unknown to the grand jury, including, but not limited to, **James Ramirez** and **Kevin Fraga**,  
to distribute, and to possess with the intent to distribute, a controlled substance, to wit: N-phenyl-  
N-[1-(2-phenylethyl)-4-piperidinyl] propanamide a/k/a fentanyl, a Schedule II controlled  
substance, in violation of Title 21, United States Code, Section 841(a)(1).

It is further alleged that the offense charged in Count One of the Indictment involved 40 grams or more of a mixture or substance containing a detectable amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide a/k/a fentanyl, a Schedule II controlled substance, and that this amount was reasonably foreseeable by and attributable to SANTIAGO PENA. Accordingly, Title 21, United States Code, Section 841(b)(1)(B)(vi) is applicable to this Count and to SANTIAGO PENA.

All in violation of Title 21, United States Code, Section 846

**DRUG FORFEITURE ALLEGATION**  
**21 U.S.C. § 853**

1. Upon conviction of the offense in violation of Title 21, United States Code, Section 846, set forth in Count One of this Indictment,

**SANTIAGO PENA,**

defendant herein, shall forfeit to the United States, pursuant to Title 21, United States Code, Section 853, any property constituting, or derived from, any proceeds obtained, directly or indirectly, as a result of the offense; and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such offense.

2. If any of the property described in Paragraph 1, above, as being forfeitable pursuant to Title 21, United States Code, Section 853, as a result of any act or omission of the defendants:


- (a) cannot be located upon the exercise of due diligence;
- (b) have been transferred or sold to, or deposited with, a third party;
- (c) have been placed beyond the jurisdiction of the Court;
- (d) have been substantially diminished in value; or
- (e) have been commingled with other property which cannot be divided without difficulty;

it is the intention of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendants up to the value of the property described in Paragraph 1 above.

All pursuant to Title 21, United States Code, Section 853.

A TRUE BILL,

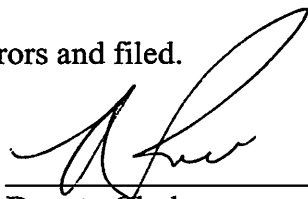
  
\_\_\_\_\_  
FOREPERSON OF THE GRAND JURY

  
\_\_\_\_\_  
ERIC S. ROSEN  
Assistant U.S. Attorney

DISTRICT OF MASSACHUSETTS

December <sup>20</sup>~~13~~, 2017

Returned into the District Court by the Grand Jurors and filed.

  
\_\_\_\_\_  
Deputy Clerk      w/ 12:25 PM  
12/20/17